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REDISTRICTING SUBCOMMITTEE

PUBLIC HEARING

MARCH 31, 2011

6:35 p.m.

GREENVILLE COUNTY COUNCIL CHAMBERS

GREENVILLE, SOUTH CAROLINA

REPORTED BY: HEATHER M. CURLIN

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1 MEMBERS IN ATTENDANCE:

2

3 SENATOR GERALD MALLOY

4 SENATOR PHILLIP W. SHOOPMAN

5 SENATOR LARRY A. MARTIN

6 SENATOR ROBERT FORD

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8

9 STAFF IN ATTENDANCE:

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11 CHARLES TERRENI

12 E. KATHERINE WELLS

13 DEBBIE HAMMOND

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1 SENATOR MARTIN: All my committee members
2 that are here, come on up. It's been real good
3 visiting with everybody, but we need to get
4 started so we won't keep everyone out so late.
5 We appreciate this great turnout this evening.
6 Just take your time on finding a seat.

7 I'm Larry Martin. I'm the Senator from
8 Pickens County, sitting in tonight for the
9 Chairman of the Senate Judiciary Committee,
10 Senator Glenn McConnell from Charleston, our
11 President pro tempore and also Chairman of the
12 Committee. He was unable to be here. He's
13 having a very important meeting in Charleston.
14 But I want to welcome you on behalf of the
15 members of the Judiciary Subcommittee to these
16 public hearings that we've been having all
17 across South Carolina.

18 I'd like to begin by giving you a brief
19 overview of the redistricting process so that
20 you can understand what we're trying to
21 accomplish and how tonight's hearing fits into
22 the process.

23 First let me introduce the members of the
24 subcommittee. It's a bipartisan group of
25 members of the Senate Judiciary from all across

1 the state. You bring a wealth of experience
2 creating bold solutions to problems and
3 challenges that our state faces. And I'm sure
4 they'll do so in this regard as well.

5 From the Upstate, of course, in addition
6 to me representing the Upstate is Senator
7 Phillip Shoopman from Greenville County. Also
8 we have, from the Pee Dee, Senator Gerald
9 Malloy from Darlington. And from the
10 Lowcountry of Charleston, we have Senator
11 Robert Ford. We're delighted to have him here
12 tonight. You've got a long way to go back home
13 tonight.

14 SENATOR FORD: That's because I love
15 Greenville so much.

16 SENATOR MARTIN: That's right. And then we
17 have two other members of the -- well, three
18 other members, I guess, of the subcommittee:
19 Senator McConnell, Senator Cleary, and Senator
20 Hutto from Orangeburg, both of whom could not
21 be with us tonight.

22 As a Redistricting Subcommittee of your
23 Senate, we're charged with one of the most
24 important tasks before the General Assembly
25 this session. That's to initiate the

1 redistricting process in the Senate. We must
2 recommend legislation to the Senate Judiciary
3 Committee, which will redraw all of the state's
4 46 members of the senate districts and the
5 state congressional districts that include a
6 new seventh seat.

7 Likewise, there's a subcommittee in the
8 House of Representatives that's charged with
9 drawing a plan for the 124 districts in that
10 body of the legislature in crafting its own
11 version of congressional plan.

12 While the House and Senate have
13 historically deferred to one another when it
14 comes to the plans for their respective bodies,
15 their congressional plans may ultimately have
16 to be reconciled in the legislative process
17 through something that is known as a conference
18 committee. If the two bodies agree on a plan,
19 it must be submitted to the governor for her
20 signature in the same manner as any other bill
21 that is passed by the General Assembly.

22 Finally, under Section 5 of the Voting
23 Rights Act, any plan that is enacted into law
24 will have to be precleared by the Justice
25 Department in federal court in Washington

1 before it can take effect.

2 The reason we have to redistrict is to
3 ensure that our state's legislative and
4 congressional districts represent substantially
5 equal populations, thereby ensuring that each
6 person's vote is given the same weight as
7 another's in our system of representation.
8 Ideally, each state senate seat will have
9 100,552 persons, and each of our state's
10 congressional districts will have 660,767
11 persons.

12 Census results that were released a week
13 ago tell us the extent which the state
14 districts deviate from those ideal numbers.
15 District lines will have to be redrawn so that
16 some of the districts gain population and
17 others lose population in order to ensure the
18 required equality of representation.

19 So to begin the process of redrawing
20 districts, we're holding hearings in order to
21 listen to your views on the redistricting
22 process. And let me say at the outset, we're
23 not here for the purpose of considering
24 proposed redistricting plans. The subcommittee
25 has yet to reach that stage of the process.

1 But when the time comes, we'll have an
2 opportunity for the public to actually submit
3 plans for the subcommittee to consider.

4 Instead, this evening we're here to
5 consider the building blocks of those future
6 plans. We need to hear your opinion on the
7 criteria that you believe we should follow in
8 the line drawing process. We also want to know
9 about the communities of interest that we
10 should be aware of when drawing new district
11 boundaries.

12 Examples of redistricting criteria would
13 be requirements that consideration should be
14 given to communities of interest, the core of
15 existing districts; county, municipal, and
16 precinct lines; compactness; contiguity; as
17 well as the applicable laws and constitutional
18 standards.

19 We'd like to know how and would like to
20 hear from you how important these criteria are
21 to you and believe that we should take into
22 account when drawing these new district lines.

23 As for communities of interest, they may
24 be neighborhoods, they may be towns, or
25 political subdivisions that have common

1 interests that define them for purpose of
2 political representation. They could also be
3 areas defined by common economic interests or
4 characteristics, cultural affiliations,
5 recreational interests, or other factors that
6 cause people to identify with one another.

7 We'd like to hear from you about
8 communities of interest that you perceive to
9 exist in the area and how you believe they
10 should be considered in the process of drawing
11 district boundaries.

12 As we begin this public hearing, we will
13 ask those testifying to be clear. Redistricting
14 is an exact process, and clarity is a virtue.
15 For example, when speaking about criteria,
16 communities of interest, it's important that
17 citizens distinguish between whether they're
18 talking about congressional or senate
19 districts, as the subcommittee must consider
20 both. Along the same lines, please explain why
21 you believe an area is a community of interest
22 and where it is located. To assist you, we
23 have maps available for you to mark or identify
24 areas that you consider to be communities of
25 interest.

1 Second, we don't have rigid time limits
2 for people that wish to speak; however, we
3 would encourage you to have a goal of speaking
4 no more than five minutes so that everyone who
5 would like to be heard could be heard. And as
6 I mentioned earlier, this is the about the
7 sixth of these public hearings, and I think by
8 far the best turnout that we've seen by all of
9 them.

10 Also, if a citizen would like to submit
11 an extended written statement, we will accept
12 it for consideration. Written comments will
13 receive the same consideration as spoken ones.
14 And the handouts available that you see in the
15 back provide you with the U.S. Mail and e-mail
16 address to which comment may be sent.

17 Finally, in order to facilitate
18 communication with the subcommittee and to give
19 the public a way of keeping track of the
20 process, I encourage all persons interested in
21 the redistricting issue to consult our Web
22 site, and that information is located on that
23 as well. If you need that address or if you
24 forget it -- I'm not going to give you the long
25 redistricting address, but www.scstatehouse.gov,

1 and then you see the redistricting icon under
2 the Senate, and you'll see it there. The
3 address of the redistricting Web site is there
4 and it provides a lot of good, useful
5 information.

6 Finally, I want to thank you for your
7 time and for being here tonight. And before I
8 begin, I want to recognize the Senator from
9 Greenville, Senator Shoopman.

10 You wanted to make a brief comment.

11 SENATOR SHOOPMAN: Thank you, Mr. Chairman.
12 And being the only resident Senator from
13 Greenville on this committee, I do want to take
14 the opportunity to formally welcome my fellow
15 members from the other parts of the state here
16 to Greenville County and echo the same -- I
17 would say I'm very satisfied and humbled by the
18 turnout. It is the largest turnout we've had
19 to date, this being our sixth. And we have
20 four more hearings after this.

21 But again, on behalf of Greenville
22 County, I just wanted to welcome my fellow
23 Senators to Greenville.

24 SENATOR MARTIN: We appreciate that. Let
25 me also say we appreciate the Greenville County

1 Council for making this meeting room available
2 to us tonight and for all that cooperation.

3 All right. Let's get started. The first
4 person that wishes to be heard -- and I will
5 tell you, to give you an idea, I have 18 of
6 these thus far, and I'm sure others are being
7 signed back there. And some may have not
8 indicated clearly -- we have 25 now.

9 Some may not have indicated clearly, I
10 may call on you, if you don't wish to be heard,
11 that's fine. Don't feel bad about that. That
12 happens sometimes.

13 The first person to be heard is
14 Mr. Michael Meder.

15 MR. MEDER: Thank you, Senator. I don't
16 wish to be heard at this time.

17 SENATOR MARTIN: Okay. Thank you.

18 Steven Edwards. And if you'd like, if
19 you do have something, please come on up and
20 I'm going to ask you -- the other thing I
21 didn't point out, it wasn't -- I didn't see it
22 in the remarks. We have a stenographer. As I
23 told you earlier, we are producing a record
24 that will be available for anybody to inspect
25 regarding what folks say, because it will be

1 used not only by the members but other members
2 who can't be us with us tonight. So if you
3 would, identify yourself and then you can feel
4 free to tell us what you'd like us to hear.

5 MR. EDWARDS: Okay. Thanks a lot. My name
6 is Steven Edwards. I'll try to keep my
7 comments brief because I'd like to talk about
8 the synopsis here where it says the purpose of
9 this meeting is to be truly representative of
10 the people but not being to receive specific
11 comments of specific plans.

12 I don't know how familiar everyone is
13 with the history of congressional apportionment
14 and the number of Representatives in the United
15 States House, but when I heard that the state
16 was going to get one more seat, I realized
17 that, while it's an interesting topic, it
18 doesn't properly do anything to represent us.

19 Initially, when our country was founded
20 and we had the Constitutional Convention, we
21 had an apportionment of one congressman for
22 one -- yes, one congressman for every 35,000
23 citizens. We had Public Law 62-5 that set this
24 number at 435. Since that time, the ratio has
25 now gone up to one representative for every

1 660,000 citizens. So now we have 1/18th the
2 voice that we had initially.

3 You know, this is a flaw in our
4 Constitution, but it is a flaw akin to the
5 Three-fifths Compromise. It is a great
6 travesty, and I don't see how any redistricting
7 plan can solve this problem.

8 And so I ask that when you consider this
9 that you work to address this with the federal
10 government. Just stop and consider that a
11 British citizen has greater representation in
12 the Parliament. The Canadian citizen has
13 greater representation in their Parliament.
14 The Japanese Diet, they have better
15 representation. It averages one citizen for
16 every 125,000 citizen -- or one representative
17 for every 125,000 citizens.

18 This was the only time that George
19 Washington spoke at the Constitutional
20 Convention. He waited until the very end and
21 said that he thought the ratio, as proposed,
22 which was one representative for every
23 40,000 -- 45,000, was too high to secure the
24 liberties of the people.

25 We've seen time and again things such as

1 the TARP program, the recent healthcare law,
2 many things on the national level where the
3 people have been opposed time and time again,
4 but the representatives don't listen because
5 they don't have to. The people have no voice.
6 And I don't mean to denigrate their honor, but
7 when you have a small number of any commodity
8 in any market, it drives the price up. And
9 it's quite simply too expensive for us to buy
10 our voice. If there was more representation,
11 the price would come down.

12 So when you propose your redistricting
13 plans, I ask you to think about how we can
14 lobby the national government to fix this. We
15 can call an Article V Convention. This was the
16 very first of the 12 Amendments proposed in the
17 United States Constitution, 10 of which became
18 our Bill of Rights. But it did not pass
19 because of an error in the verbiage when it
20 came out of compromise (inaudible) in the
21 United States House and Senate.

22 And ever since that time, with every
23 proceeding generation's census, our rights have
24 been eroded. So I ask you to please think
25 about this, because if you don't, there will be

1 another revolution one day over representation.

2 Thank you.

3 SENATOR MARTIN: Thank you. I appreciate
4 your coming.

5 Douglas Wavle. Welcome.

6 MR. WAVLE: That's pretty good. That's
7 very close. I'm Doug Wavle, and I represent
8 the Taylors Fire and Sewer District, a special
9 purpose district here in Greenville County. I
10 also am vice-chairman of the Greenville County
11 Special Purpose District Association, therefore
12 representing the other fire, sewer, water
13 districts in our county.

14 And I had the privilege in 2000 to be the
15 presidential elector in South Carolina
16 representing the 4th Congressional District.
17 So I'm speaking to the senate districts as well
18 as the congressional districts, and I'll be
19 specific on each.

20 One more thing that I had done for over
21 12 years, I served as the voting member for
22 Greenville County on the Republican State
23 Committee. And so I look at the county that I
24 represented for 12 years in party politics and
25 see the importance of the community of the

1 county itself.

2 So as far as the 4th Congressional
3 District is concerned, I would like very much
4 to see the entire county, Greenville County, be
5 in one congressional district rather than being
6 cut in pieces.

7 I know that Spartanburg County and
8 Greenville County cannot be together. But
9 that's a different community than ours, even
10 though we have shared on the 4th Congressional
11 District. The county itself, whether it's
12 Spartanburg County or whether it's Greenville
13 County, that county has representation
14 in both political parties with voting members.
15 And they are not necessarily the same.

16 Over the years -- there's a slight
17 difference between Spartanburg and Greenville.
18 But the truth of the matter is, as you know,
19 Spartanburg and Greenville County are very
20 strong political parties -- political actively
21 party, and the Republican Party more so than
22 the Democrat Party, even though when I was
23 first elected, we had a U.S. Congresswoman that
24 was a Democrat from Spartanburg County, and she
25 served us well. And for the last several

1 years, we have had representation in the U.S.
2 Congress with Republican candidates that have
3 won the election.

4 Going away from the party politics,
5 getting into the representation of the
6 community, the congressional districts being
7 split in the county, you're splitting your
8 groups that are gathering together, whether it
9 be Democrat or Republican, whether it be
10 Libertarian or Constitutional Party, these are
11 generally county parties. And it's good that
12 they are working together to see the election
13 of their specific favorite candidate for that
14 office.

15 And when you split the county, it's
16 difficult to actually try to bring that county
17 together to support their chosen nominee. And
18 that's an issue that I think needs to be
19 considered as best you can when you're dividing
20 up the district for a congressional district.

21 Going to the county area, our district,
22 the Taylors Fire and Sewer District, is
23 somewhat between being a suburban and an urban
24 area. And we are currently blessed by Senator
25 Shoopman covering our urban area -- excuse me,

1 our suburban area. It's a rural area that he's
2 covering. And we have folks in our district
3 that are really a bit out in the country. And
4 then we have folks that are pushing on the city
5 limits, Wade Hampton Fire Department, if you
6 will, the city of Greenville and we touch with
7 the city of Greer. So we have that urban
8 sense. But we have Senator Mike Fair
9 representing a good portion of our fire
10 district.

11 So we've got our folks that are somewhat
12 in the urban area represented by Mike Fair, who
13 also has part of the Greenville metropolitan
14 city area, and we've got Senator Shoopman
15 representing the rural area. So our people
16 that we are servicing at the Taylors Fire and
17 Sewer District like the situation with the
18 senate seat actually spreading across our
19 district, but not all districts are going to be
20 the same.

21 Some districts -- some of the special
22 purpose districts would rather have one contact
23 that they can go to to talk to state
24 government. And that would be if their special
25 purpose district, fire department, sewer,

1 water, whatever, was in that, in that district,
2 they could talk to one and, specifically, if
3 you will, lobby that one for something they
4 felt they needed for their district.

5 I also serve on the ad hoc committee for
6 ReWa, Greenville Renewable Water Resources, and
7 that spreads beyond our county and it spreads
8 beyond our current congressional district. And
9 the cooperation that our special purpose
10 districts, ours being a fire and sewer
11 district, that the sewer districts,
12 metropolitan being one and -- there's several
13 in this area -- we cooperate with Renewable
14 Water Resources in helping them do their job.
15 Basically all the local sewer districts are is
16 the transporters of the sewage from the
17 individual private homes and businesses to the
18 main lines that ReWa has.

19 So some people get confused about a sewer
20 district. A local sewer district doesn't get a
21 dime, not a penny, from your sewer bill. Every
22 month or every quarter when you're paying water
23 and sewer, none of that money goes to the
24 special purpose sewer district. All of our
25 income comes from the taxes on the property

1 once a year.

2 And that's something that sometimes you
3 say, okay, what can we do and who can we go to
4 to kind of get some assistance, especially when
5 we have something major. In our particular
6 area, we have lines that have been in the
7 ground for many years. We've got one area that
8 was a mill village, and we've got a major
9 expansion we've got to do. Okay, who do we go
10 to to try to get some assistance? Because
11 we're going to have to redo those lines
12 completely, and that's a major expense for a
13 small district. Because back in the days when
14 the mill was built, they built the homes on top
15 of those lines. And, of course, we can't touch
16 those lines; they're on private property.

17 So, I mean, those are some issues that
18 you look at in community for us as we're
19 serving as fire and sewer commissioners. We're
20 looking to who can we go to and what
21 information can we get from our representative.

22 Well, right now, as I've mentioned, we've
23 got dual representation. And that's not a bad
24 thing for us because we've got two senators
25 with minds; we actually have two house members

1 as well. That district breaks in that way. So
2 that we've got a resource that we can go to as
3 commissioners and ask for help. So that
4 community itself is important to us too.

5 Can we continue with something like that
6 where we -- we, as a small, local legislative
7 group, if you will, know where we can go up
8 line to get assistance that they know, what can
9 we do to help.

10 And we're appreciative of the folks that
11 have been very, very cooperative when we've
12 dealt with the Senate, the House. I've been
13 down to speak before the Judiciary Committee at
14 the House, and it's good to know there's a
15 responsiveness from you folks that represent
16 us. And I'm very thankful for that. But that
17 representation -- the last speaker made a
18 comment about the representation,
19 you know, being dispersed. We don't have the
20 representation we used to have.

21 Well, I'm thankful as a Presidential
22 elector back in 2000, I really got down to the
23 nitty-gritty of how the representation goes.
24 I represented 96,000 votes from Congressional
25 District 4, voting for the candidate that was

1 elected, George W. Bush, back in 2000. And the
2 votes for that was 2 to 1 with the other
3 candidates together. And to President Bush,
4 when he took his first election, that district
5 was strong, and we're thankful for that.

6 But I got to thinking real careful,
7 because there was a push by our current
8 secretary -- U.S. Secretary of State for not
9 having the vote being by congressional district
10 or, if you will, by the Presidential Electoral
11 College, but rather than just simply by the
12 majority vote of all voters. If that kind of a
13 push had gone through and we had tried to do
14 away with the Presidential Electoral College,
15 then we can say a place like South Carolina
16 doesn't even need to vote. Because all you've
17 got to do is take New York City, Chicago, Los
18 Angeles, San Francisco, you take those cities,
19 and even Miami, put them together, and our vote
20 doesn't mean a thing.

21 I'm so thankful that the founders of our
22 nation saw fit to have a representation through
23 the Congress, the U.S. Congress, by count. The
24 electors were set by one for each congressional
25 district in your state, and that's set by

1 population, and one for each of the two
2 senators.

3 In our case in 2000 and 2004, there were
4 eight Presidential electors in this state.
5 With the changes coming, we will now have nine.
6 To make it closer to the people, closer to the
7 people, if each of those congressional
8 districts could cast their own vote singularly
9 and the two that are represented by at-large,
10 in other words, senate seats, voted together by
11 the populous vote for the whole state, then
12 you'd have a closer representation than we have
13 right now. Because right now it's winner take
14 all. Winner take all.

15 You could take California, for instance.
16 The metropolitan areas of California are real
17 strong, real strong Democrat communities,
18 whereas the rural counties seem to be
19 Republican communities. And as such, those
20 kind of breaks in congressional districts with
21 the representation on the Electoral College,
22 you would have a closer election to what the
23 people voted.

24 And that's why I'm encouraging what
25 you're doing in the communities. Let's keep it

1 in the communities. Thank you very much for
2 your time.

3 SENATOR MARTIN: Thank you.

4 Mr. Dan Richardson. Welcome.

5 MR. RICHARDSON: Good evening, Senator
6 Martin.

7 SENATOR MARTIN: Good evening.

8 MR. RICHARDSON: It's been a long time
9 since I've seen you last. I, too, was an
10 elector in '96 and in the year 2000 for the
11 Republican Party, but I'm not going to go into
12 that. Okay?

13 My primary concern here is real simple.
14 We can resolve all future senatorial
15 redistricting if you go back and do what we
16 need to do. We go through this every ten
17 years. Since 1964, the Supreme Court ruled in
18 an 8-to-2 decision under Reynolds v. Sims that
19 the concept of "one man, one vote" takes place.

20 I don't have any problem with one man,
21 one vote; I think it's great. But the problem
22 is they've applied equal representation across
23 the board. They've done that for both House
24 Senate -- State Senate races and House of
25 Representative races. The U.S. Senate is made

1 up of two senators per state. How long will it
2 be before the Supreme Court rules that New York
3 ought to have five or six U.S. Senators and
4 South Carolina only have one. How long will
5 that be?

6 I'd like to read something to you. It
7 says, the Court ruled a state's apportionment
8 plan for seats in both houses of the state
9 legislature must allocate seats on a population
10 basis. You read that. You understand that.
11 But I believe it was applied erroneously by the
12 Justice Department and not just the U.S.
13 Supreme Court.

14 And I'm not a judge, I'm not a lawyer,
15 but I'm a common fellow that understands my
16 Constitution. We have a republic form of
17 government guaranteed to each state. The word
18 "democracy" is not in our U.S. Constitution,
19 it's not in our State Constitution, but
20 "republic" is. And I'm not talking about
21 Republican versus Democrat. I'm talking about
22 a republic form of government.

23 We have representation, and we do it by
24 two means. You do it by the census report
25 where you determine population of a U.S. House

1 seat, and you do it by based on house seats
2 within the state. But you don't do that for
3 U.S. Senator seats, and you don't do that for
4 State Senator seats either. Prior to 1972, you
5 didn't.

6 Because South Carolina has 46 counties --
7 and you've got them listed -- we have 46
8 senators. What I'm getting up to is the state
9 legislature should initiate action to nullify
10 the U.S. Supreme Court ruling on apportionment
11 and revert to the South Carolina Constitution,
12 one senator per county.

13 Before the Supreme Court heard this
14 argument, it abstained in addressing
15 apportionment issue before because it
16 considered it political in nature. Everything
17 we do in here tonight is going to be political
18 in nature. You can resolve that by going back
19 to one senator per county. Okay?

20 The Court's ruling in 6-2 favor of the
21 plaintiffs for state legislatures to
22 reapportion their seats to reflect population
23 shifts before the election that were to fall --
24 in the fall of 1962, it decreed "one person,
25 one vote" as part of the U.S. constitutional

1 heritage -- not so -- opening the door to
2 challenging state voting procedures and
3 malapportionment on constitutional grounds.

4 That's been going on since 1962, and
5 we're going to go on after this. You're going
6 to have some more challenges after this is over
7 with. Am I not right? Been done.

8 Justice Harlan lambasted the Court for
9 ignoring the original intent of the Equal
10 Protection Clause, which he argued did not
11 extend to voting rights. Harlan claimed the
12 Court was imposing it's own idea of "good
13 government" on the states, stifling creativity
14 and violating federalism. That's exactly what
15 they did. Eight U.S. --

16 Although the Constitution explicitly
17 grants two senators per state regardless of
18 population, Harlan further claimed if Reynolds
19 is correct, then the United States
20 Constitution's own provisions of two U.S.
21 Senators from each state would be Constitutionally
22 suspect, as the 50 states have anything but
23 substantial equal representation.

24 Like I said, New York, how many people is
25 in New York? Millions of folks. We've got 4

1 million in South Carolina. They're going to --
2 one of these days, it's coming out. It's going
3 to take us away, and we're going to become a
4 pure democracy.

5 And the way it all started -- and I'm
6 going to give you a little lesson in history
7 here, if you don't have it. And I think you're
8 smart enough to know this already. And you've
9 heard a lot about the 17th Amendment.

10 The 17th Amendment took away the
11 appointment of U.S. Senators by the state
12 legislature. The U.S. Senator was supposed to
13 represent the political entity of the state,
14 not the people in the state but the political
15 entity. It's taken that away.

16 The State has no authority over the U.S.
17 Senator any longer. You can't recall one of
18 them if he does something bad. You can't
19 recall one if he does something nitty-gritty.
20 We need to correct that. How are you going to
21 do it?

22 I've worked 28 years in the Republican
23 Party in South Carolina, and I'm standing here
24 before you tonight not as a Republican but as a
25 citizen from my state, my county. I have a

1 state senator that's representing three
2 counties. Is that right?

3 I'm losing power. My senator has less
4 than one vote, really. He's got a vote, but
5 he's not representing me in toto in Greenwood
6 County.

7 In 2000 they had a census report, and
8 they gerrymandered -- in 2001, they
9 gerrymandered the senate districts again and
10 moved Gerry -- Senate District 9, which is
11 Senator Verdin, moved him up into Greenville a
12 little bit further; and they moved Senator John
13 Drummond over into Laurens County, took in
14 Cross Hill area; they moved Billy O'Dell,
15 Senator, District 4, which is supposed to be in
16 Anderson County, moved him all the way around
17 to the end of Abbeville and into a tiny portion
18 of Greenwood.

19 If you look at this map, there's a little
20 finger here, right down at the bottom of this
21 where the green fits the gray -- you'll see
22 it -- is where Billy O'Dell lives. Senator
23 O'Dell -- I like Senator O'Dell, but he lived
24 there for about ten years before he was even
25 put in that senate seat. You gerrymandered it

1 for that senate seat.

2 Senator John Drummond stood before me and
3 told me that's what he was going to do. He did
4 it. I don't know how he did it, because he
5 wasn't in power then. But that's what we're up
6 against. Political gerrymandering.

7 Eliminate the political population for
8 state senators and put us back one senator per
9 county. Our State Constitution said that from
10 1890 up until 1970 -- well, it still says it.
11 Okay? Still says that. And I'm suggesting you
12 repeal, nullify that judge's -- those eight
13 judges that ruled against them.

14 Thank you very much.

15 SENATOR MARTIN: Thank you.

16 Mr. Evert Headley.

17 MR. HEADLEY: Hi, my name is Evret Headley.
18 I live in Travelers Rest. I want to thank you
19 all for the opportunity to come speak at this
20 public meeting.

21 Specifically, I wanted to talk about two
22 things. One would be the congressional
23 district change, obviously, that we're going to
24 have up here in the 4th Congressional District.
25 Obviously, with the census numbers that came

1 out with the 4th Congressional District lines
2 as they are, they are, from my understanding
3 from what I've read, we're about 105, maybe
4 106,000 votes above what that number is going
5 to be. I know y'all have got a little bit of
6 leeway, and there's probably a percentage of
7 points that y'all can shave here and shave
8 there. But we're about 100,000 votes above --
9 or 100,000 people above what we're supposed to
10 be in that congressional district.

11 So I know we're going to have to do
12 something to split the district up. But I am
13 concerned, we've got two distinct communities
14 here. We've got Spartanburg and we have
15 Greenville, and they have been in the same
16 congressional district for a long time.
17 They're also the number one and the number four
18 counties in the state.

19 Spartanburg has the distinction of being
20 one of the largest counties in the entire state
21 without its own anchor as a congressional
22 district. And at this point, if you're going
23 to split something, go ahead and -- split
24 the -- split the counties in half, keep the
25 counties whole in my recommendation. Keep

1 those communities together as one for
2 Greenville, one for Spartanburg, if you're
3 going to split it.

4 I would be against splitting a county,
5 for example, Greenville County in half,
6 throwing it in another congressional district.
7 I know that makes your job a lot tougher.
8 Believe me, I understand that. That's why y'all
9 get paid the big bucks to do what you do.

10 And I know it's a domino effect all
11 across the state. Believe me, I understand
12 that. And I think -- one of the things I think
13 that y'all try to look at, you try to keep the
14 communities together. I think you need to try
15 to keep the counties together as much as you
16 possibly can.

17 Of course, in some areas that's not going
18 to be possible. There's just not enough
19 voters. They're going to have to go -- and
20 they try to keep the communities inside those
21 counties together.

22 I'm concerned for two reasons. One,
23 Greenville and Spartanburg have had a large
24 influence in the state, both in an economic
25 area as well as a political area and some other

1 areas. We bring a lot of diversity to the
2 state in our economics and the business that we
3 bring to -- that we have in the communities
4 here. And I don't want to see that influence
5 diminished by cutting off a small section of
6 either Greenville or Spartanburg and sending it
7 off to another congressional district where,
8 yeah, it's going to have a voice, but that
9 voice is really small as compared to what the
10 big county should have been having a voice
11 with. So that's my concern on the
12 congressional lines.

13 And again, I understand y'all have a big
14 job ahead of you. You've got to take six
15 counties and make them into seven and make
16 everybody happy, or at least enough people
17 happy.

18 In the state senate -- I currently live
19 in Senate 5. I'm right on the line between
20 Senate 5 and Senate 6. And I know in Senate 7,
21 just by looking at the numbers, Senate 5 is
22 over by 115,000 voters. Senate 6 is short by
23 about 5. Senate 7 is short by 17. Senate 8
24 has got 11,000 voters over. So you've got some
25 weird dynamics you're going to have to do there

1 to make everything work.

2 As I said, I live in the Travelers Rest
3 community, and Travelers Rest has got two
4 precincts now. Plus we've got Furman, which is
5 the precinct right below us, and then Furman
6 University is there as well. And that's a --
7 it's starting to become a community. We've got
8 the Swamp Rabbit Trail that travels right
9 through Furman. And so there's a lot of people
10 that travel that little jogging trail and
11 biking trail. So if you can, keep those two
12 communities together.

13 And if that helps, you know, get --
14 because I said, I know Shoop -- or Senate 5 has
15 to give up some votes. That would help in that
16 regard. And then Senate 6, from what I
17 understand, is probably going to have to give
18 up some votes. I don't know where else they're
19 going to come from. I mean, Senate 7 has to
20 have some. There's voters that need to be put
21 into that district. So again, I don't envy
22 y'all's job.

23 But as I said, I am -- Greenville-Spartanburg
24 have been together for a long time. And we've
25 done -- with the congressional districts, it's

1 been a strong congressional district. But at
2 this point, if you're going to start lopping
3 off large sections of either one of those, let
4 us go our separate ways and maybe we can lead
5 the state to bigger and brighter things
6 separately.

7 And the last thing I would say is out of
8 the six largest counties in the state,
9 Spartanburg County right now -- Spartanburg and
10 Horry are the only counties that don't have an
11 anchor. And I know one of the plans that's out
12 there shows Horry being the anchor for a new
13 congressional district, which is fine. I don't
14 have a problem with that. But then Spartanburg
15 County is left being tied with another county
16 without an anchor. And even in Lexington and
17 Richland, you have two congressional districts
18 there. So you have two voices, those two
19 distinct voices, you know, going up to
20 Washington, D.C. and representing us in the
21 state.

22 Sorry I jumped tracks on you there.
23 Anyway, that's all I have.

24 SENATOR MARTIN: Thank you. Thank you very
25 much.

1 Mr. Scott Crosby.

2 While he's coming forward, let me just
3 say that I've heard and I'll say seen some
4 things where people have suggested --

5 Come on up, Mr. Crosby.

6 -- under some "plan" that a county would
7 be here or there. Let me just assure everybody
8 at this stage of the hearing, there are no
9 plans. There are no plans. Not any plans that
10 your folks that are going to be voting on have
11 developed or are working on or have done
12 anything with.

13 You know, the software being the way it
14 is today, everybody can create a plan and shoot
15 it out there. But I can assure you just as
16 sincerely as I'm sitting here, we haven't
17 developed any plan or we haven't thrown out
18 plans or begun to develop plans prior to having
19 these hearings. And I just wanted to say that,
20 because I think that's something you need to be
21 assured of and know where we are in the
22 process.

23 So with that, Mr. Crosby.

24 MR. CROSBY: Thank you. I live in Mauldin,
25 and I guess my main desire is that Greenville

1 County stay as a single political unit under a
2 single congressman. I have heard rumors of
3 plans -- I guess everybody has -- that the
4 Mauldin area and southern Greenville County
5 might go to Jeff Duncan's area.

6 Now, Jeff is a nice guy. He's doing a
7 good job in Washington. But in Mauldin, we
8 very much identify with Greenville County and
9 with Greenville town and with -- and I know
10 Greenville and Mauldin both have contributed to
11 Trey Gowdy's campaign and worked very hard for
12 him.

13 The ideal situation is for that new
14 congressional district to be here in the
15 Upstate. It's time for Spartanburg and
16 Greenville to be split up. They're too big to
17 stay together.

18 But however you do it, I really think and
19 urge you to make Greenville County a single
20 political unit, a single congressional
21 district. If you have to add other pieces of
22 other districts of other counties, that's fine,
23 or if you have to add other counties in. But
24 as the gentleman before me said, Greenville
25 should be an anchor for a district and

1 Spartanburg should be an anchor for a district.

2 Thank you.

3 SENATOR MARTIN: Thank you.

4 Mr. Jim Lee. Welcome.

5 MR. LEE: Like you, I have no plan. My
6 name is Jim Lee. I live here in Mauldin in
7 Greenville County. I represent no specific
8 community of interest, political subdivision,
9 neighborhood, or geographical area. I
10 represent one person -- me -- and one vote.

11 I want to say thank you to the
12 subcommittee for holding these important
13 hearings. Clearly, based on the turnout here
14 tonight, there's increased interest in both the
15 process and the outcome. I'm here tonight to
16 simply and respectfully remind the subcommittee
17 in the importance of transparency in this vital
18 process.

19 Transparency is more than just holding
20 hearings and sharing the end result. It should
21 include transparency in the process as well.
22 There should be clear, guiding principles that
23 are the basis for developing the redistricting
24 plan. It must comply with the Constitution.
25 It must meet the criteria used by the

1 Department of Justice or the U.S. District
2 Court in D.C. for preclearance.

3 As a side note, I would just simply ask,
4 why is it that we are still under preclearance?

5 It must be apolitical and put the
6 interests of we the people of South Carolina
7 above all others. Stakeholders in the
8 redistricting process are many and their stakes
9 are varied. I believe the ultimate stakeholder
10 in this process is we the people. As
11 subcommittee members, you are stakeholders in
12 that you are charged with drawing a plan for
13 consideration by the Senate. As members of the
14 General Assembly, you're stakeholders because
15 you will both consider and influence your
16 colleagues with regard to the plan submitted
17 for consideration.

18 As citizens of the state of South
19 Carolina and the United States, you are a
20 stakeholder because, like me, you deserve equal
21 protection under the law. As an incumbent of
22 elected office, you have no legitimate stake in
23 the redistricting process. I respectfully ask
24 the subcommittee to be mindful throughout the
25 entire process of the importance of

1 transparency and to faithfully represent the
2 interests of we the people of South Carolina.

3 Thank you.

4 SENATOR MARTIN: Thank you.

5 Mr. Henry Parr. Welcome.

6 MR. PARR: Good evening, Senators. And
7 thank you for coming to Greenville to hear from
8 us. Nice to see some friends up there.

9 I live on Woodland Way in Greenville
10 County. I'm in Senator Anderson's district. I
11 believe he's out there today.

12 I just have one -- I'm not coming to
13 talk about the state legislative districts. I
14 think it is so important, as the other speakers
15 have said, to keep Greenville County together.
16 Greenville and Spartanburg County have grown
17 too big to be in the same congressional
18 district.

19 And as you know, Greenville County is the
20 most populous county in the state. Ten percent
21 of the people of South Carolina live in
22 Greenville County. And if you divide us, you
23 will hurt 10 percent of the people of South
24 Carolina. In our county, there are more
25 at-risk children than in any other county. We

1 have a lot of strength but we have a lot of
2 problems, and we need to have our whole county
3 in one congressional district.

4 And I think it's very easy to do that
5 just by joining us with either Oconee County or
6 joining us with Laurens. It's a terrible thing
7 when you have to split a county, and you may
8 have to split some. But I would urge you, when
9 you split, don't split the largest county in
10 the state where 10 percent of the people live.

11 And thank you for coming to listen to us
12 tonight.

13 SENATOR MARTIN: Thank you, Mr. Parr.

14 Reverend J.M. Flemming. Welcome.

15 REV. FLEMMING: Welcome. Welcome to
16 Greenville. I'm J.M. Flemming.

17 We know that the federal law requires
18 that the state hold public hearings for public
19 input on redistricting. However, the
20 guidelines that the State Senate uses do not
21 guarantee fairness, transparency in reporting
22 back to the public. Your guidelines do not
23 tell us that you have to come back before you
24 vote.

25 We need to be sure that we have access to

1 all of the information. So for that reason and
2 for the record, I make the following request:
3 That the Senate provides fairness, transparency
4 to all of its citizens by making sure, by
5 making sure that the public hearing summaries
6 of all maps, all plans for redistricting go on
7 the state redistricting Web site in a timely
8 manner; and secondly, that we keep District 7
9 Senate Seat District 7.

10 Thank you.

11 SENATOR MARTIN: Thank you.

12 Curtis Askew. Welcome.

13 MR. ASKEW: Good evening. I'm going to try
14 to be brief, but I'm going to try to be very
15 procedural. Because I know y'all like
16 procedure, right? In your handout when we came
17 in tonight, you gave us only part of the Senate
18 Redistricting Packet that's on the Senate
19 Redistricting Web site. In particular, I have
20 in my hand Tabs 1 through 5 that are found on
21 the Senate Redistricting Web site.

22 And what I'd like to draw your attention
23 to would be Tab Number 3 and Tab Number 4. And
24 in Tab Number 3, you have the Policy for Public
25 Participation, South Carolina Senate Judiciary

1 Committee Redistricting Subcommittee
2 Guidelines, which are not adopted. It's X'd
3 out in terms of the date. And then you have
4 the Policy for Public Submission.

5 What I'd like to draw your attention to
6 is, in particular, three items that I think
7 need either greater clarification or should
8 certainly be clarified as you proceed forward.
9 First, in defining "communities of interest,"
10 we know that this is a legally amorphous
11 concept. It covers lots of things. You've
12 already heard from a number of individuals
13 about counties. We also have neighborhoods and
14 subdivisions that could potentially fall under
15 this. Economic areas. A wide range of things
16 fall under communities of interest.

17 As you go forward, I respectfully submit
18 that we ensure as opposed to using communities
19 of interest as a rationalization post hoc that
20 the concept of communities of interest be
21 included for all plans that are drafted into
22 legislation. Meaning, for any plan that comes
23 to the floor for a vote, that it be very clear
24 how communities of interest were defined, if at
25 all, so that there's no question about what a

1 community of interest is within a particular
2 map.

3 The second point is listing of all
4 organizations that have submitted a plan. In
5 Tab 3, I believe it is, it is indicated very
6 clearly that only members of the legislature
7 will be able to present plans for vote. If
8 that is the case, then we have, as the public,
9 no way of knowing exactly what the origin of
10 the plan is, yet for groups that are submitting
11 plans that are considered, we know that that
12 submission itself contains the information for
13 the group and other identifying information.
14 It's already a part of Tab Number 4 under the
15 Policy for Submission.

16 I respectfully submit that that
17 particular area be made publicly available so,
18 for the sake of transparency, everyone is very
19 clear about where plans are originating and who
20 originated them.

21 Finally, it's pretty clear to anyone who
22 works in -- with GIS and geospatial information
23 technology that, while PL-94 data is the data
24 that drives the process when individuals are
25 putting together maps, they don't necessarily